



LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

Direct Dial Number

June 9, 1981

United States
Environmental Protection Agency
Region II
Sites Notification - Rm. 1000
New York, NY 10278

*Bay Shore Gas plant
N.Y.D. 98688/654*

Dear Sir:

In accordance with Section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("Superfund") and the Environmental Protection Agency's notice and policy statement interpreting Superfund (45 Fed. Reg. 22144), the Long Island Lighting Company ("LILCO" or "the Company") has reviewed its past and present operations to determine whether a notification is required. The Company believes that it is not required to file a Section 103(c) Superfund notification, but because of ambiguities in the reporting requirements and the RCRA hazardous waste definitions, is providing the agency with the following information and rationale for this conclusion.

In most cases, consideration of the Company's waste handling operations for purposes of the Superfund notification requirement has not been difficult because the operations are on-going and familiar to Company personnel. In other instances, however, review was more difficult because the operations which were considered occurred years ago. For example, from the 1890's to no later than the 1950's, LILCO, or its predecessors, owned and operated six gas plants located throughout the Company's service territory. (1) Before they were retired, the plants manufactured carburetted water gas. The plant operators would pass air and steam through hot coke and mix the gas produced in the process with oil to improve its BTU content. In the gas manufacturing process, a mixture of waste oil and tars would also be produced. To the best of the Company's knowledge, most of the tars and oils were used as boiler fuels or sold as a valuable resource. In other cases, the tars and oils were



disposed of either on- or off-site. The Company has concluded that such disposal activities are not subject to Superfund for at least two reasons: (1) discharge of waste oils are specifically exempt from the definition of "hazardous waste" by Superfund, and (2) although the discharges may have contained certain wastes now listed in EPA's regulations implementing the Resource Conservation and Recovery Act ("RCRA") at 40 CFR Section 261.33(f), we believe the waste does not exhibit any of the characteristics of hazardous waste set forth at Subpart C, Part 261 of the RCRA regulations. (See, 45 Fed. Reg. 33121). Thus, the Company has concluded that Superfund does not require it to file any notification for the activities which occurred at least thirty years ago at the now demolished gas plants.

We are confident that the rationale supporting the conclusion reached above is consistent with the agency's definitions of the Superfund reporting requirements. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Raymond J. Driscoll

Raymond J. Driscoll
Manager
Environmental Engineering

RJD/lac

bcc: Ms. M. Lerner
Mr. J. J. Kearney

(1) Plant Names and Locations

Patchogue Gas Plant
Main St. & River Ave.
Patchogue, NY

Hempstead Gas Plant
2nd Ave. & Franklin Ave.
Hempstead, NY

Rockaway Park Gas Plant
Rockaway Park
Queens, NY

Bay Shore Gas Plant
Fifth Ave.
Bay Shore, NY

Glen Cove Gas Plant
Round Swamp Road
Glen Cove, NY

Sag Harbor Gas Plant
Bridge St. & Meadow St.
Sag Harbor, NY